

**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Andrew Gonzales, Associate Planner  
**DATE:** October 22, 2008  
**SUBJECT:** **TEMPORARY USE PERMIT NO. 2008-005 (OAK VIEW FARMER'S MARKET)**

**LOCATION:** 17241 Oak Lane, 92647 (south of Warner Avenue, east of Nichols Lane)

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**Applicant:** Alejandro Tovares, 17241 Oak Lane, Huntington Beach, CA 92647

**Property Owner:** Ocean View School District, 17200 Pinehurst Lane, Huntington Beach, CA 92647

**Request:** To establish a farmer's market every Saturday within the parking lot area of Oak View Elementary School for a period of five years (2008-2012).

**Zone:** PS (Public – Semipublic)

**General Plan:** P – RL (Public – Residential Low Density underlying designations)

**Existing Use:** Oakview Elementary School

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**RECOMMENDATION:** Staff recommends approval of the proposed project based upon the following findings:

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent impact on the environment, including carnivals, sales of Christmas Tress, etc., are exempt from further environmental review.

**SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2008-005 :**

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use permit will be compatible with the surrounding uses, and consistent with following Land Use Policies:

- LU 7.1 Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, educational, cultural, and entertainment, and recreation needs of existing and future residents.
- LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan map in accordance with Policy LU 7.1.1.

The temporary use permit will provide a balance of land uses by establishing a commercial/recreational/cultural use on a temporary basis within an existing neighborhood. The farmer's market will provide an affordable option for the purchase of groceries within close proximity to the area's local residents which is otherwise not provided within a three-quarter mile radius from the subject area. Additionally the farmer's market intends to provide a kiosk that will handout literature on nutrition and healthy eating habits, and foster job growth in the local community.

2. Approval of the application for Temporary Use Permit 2008-005 to permit a farmer's market located within a portion of the Oak View Elementary school parking lot every Saturday, for a period of five years (2008-2012) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The temporary use will not occur during the school's operating hours or during other onsite activities. The market will be located more than 100 feet from the closest residential dwellings. Residential uses will be buffered by the Oak View Community Resource Center building and two local streets (Oak Lane and Mandrell Drive). The market will be within walking distance to the neighborhood for which it serves. In addition, parking for the event will be provided within the remaining school parking spaces. The temporary nature of the market will not alter the subject site. No health impacts are anticipated because proper permits are required from the Orange County Health Care Agency's Department of Environmental Health prior to the market's commencement.

#### **SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2008-005:**

1. The site plan received and dated July 23, 2008 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The farmer's market shall be limited to between the hours of 9 AM and 2 PM on Saturdays only.
  - b. If a refrigeration truck is provided, it shall be placed as far away from the residential properties as possible to minimize noise.
  - c. A trash receptacle, separate from Oak View Elementary and Oak View Community Resource Center, shall be provided onsite for the exclusive use of the market.
  - d. Installation and breakdown of stands, equipment, apparatus and clean up of the site shall be permitted one hour prior to commencement and one hour after the finish of each market event. Clean up of the site shall not include the use of machinery or equipment that may disturb the residents in the area. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site prior to closing the event.

- e. The applicant shall ensure that clean-up of the adjacent streets of trash and debris associated with the use after the market closes.
  - f. A minimum of two portable restrooms shall be provided onsite during the operation of the market.
  - g. Only the uses described in the submitted narrative received and dated July 23, 2008, shall be permitted.
3. Prior to commencement of the use, the Planning Department shall receive documentation from the applicant verifying approval from the Orange County Health Care Agency's Department of Environmental Health.
  4. In the event that there are any violations of the foregoing conditions of any violations of life and safety code, the market may be terminated by an Police Officer, Fire Inspector or authorized personnel of the Department of Planning.
  5. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing of any changes to the event. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
  6. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.